IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 555255012190 #17

Group Art Unit:	2153	)
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Examiner:	Edelman, B.	)
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Inventor:	Lazaridis, et al.	)
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		)
Serial No.:	09/783,726	)
		)
Filed:	February 14, 2001	)
		)
For:	System and Method for Pushing	)
	Information from a Host System to a	)
	Mobile Data Communication Device	)

**DISCLOSURE UNDER
37 CFR 1.105**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on ___June 10, 2002___ .

By ___Debra L. Bejean___

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper responds to the request for information under 37 CFR 1.105 dated

May 2, 2002.

DISCLOSURE

In the request dated May 2, 2002, the Patent Office requested information under 37 CFR 1.105 related to the Petition to Make Special Because of Actual Infringement filed in this case. In particular the Patent Office requested two categories of information: (a) evidence, literature, and/or any other relevant material relating to the infringing device and method known by applicant to be actually on the market; and (b) a description and/or evidence that rigidly compares the alleged infringing device and method with the claims of the present patent application, as declared by applicant.

(a)   Evidence of Infringement

Attached to this Disclosure at Tabs A-C is evidence, literature and other relevant material related to infringing products and methods that were on the market when the petition to make special was filed. Tabs D and E provide evidence, literature and other relevant material related to infringing products and methods that may not have been on the market when the petition to make special was filed, but which are currently on the market and therefore are deemed to be relevant to the request for information. Tab D sets forth evidence regarding a system and method from Wireless Knowledge and Tab E sets forth evidence regarding a system and method from Good Technology. Both of these systems and methods infringe at least some of the claims of the present application. In fact, in many respects, both of these systems are designed to imitate the operation of the system described in the present application so as to work with wireless devices available from the assignee of the present application.

Tab A sets forth evidence regarding a product referred to as SYMMETRY,

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including the SYMMETRY user's guide, printouts from a web site where the

SYMMETRY program was being sold at the time of the petition, and printouts from the

same web site providing a demonstration of the operation of the SYMMETRY program.

Tab B sets forth evidence regarding a suite of products referred to as

NOTIFYLINK, including a brief description of various versions of the NOTIFYLINK

product, including a desktop version and a networked version, and documentation and

detailed information regarding the Notifylink products.

Tab C sets forth evidence regarding a product referred to as MYMAIL, including

an advertisement for the product, and web site printouts of the wireless devices used

with the MYMAIL product and descriptions of the operation of the MYMAIL product.

(b)   Comparison of Claim to Infringing Methods

Claim 1 of the present application recites a method of redirecting data items

between a host system and one or more mobile communication devices, comprising the

steps of: (1) receiving data items directed to a common address associated with the

host system; (2) continuously redirecting the data items to a mobile communication

device; and (3) receiving data items sent from the mobile communication device,

wherein data items generated at either the host system or the mobile communication

device share the common address as an address from which data items originated.

(i)   SYMMETRY - The Symmetry product is described as follows in the

documents attached at Tab A:

"Symmetry is software that runs on your desktop PC that enables

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real-time wireless access to your personal Microsoft Outlook information using a wireless messaging device that can receive e-mail, such as a pager, digital phone, PDA, etc. The Symmetry product automatically forwards all your critical Outlook information to your wireless device. Messages are forwarded the instant they arrive on your desktop so you'll never miss another important e-mail, meeting reminder, calendar change or task reminder. When an e-mail arrives at your desktop PC, Symmetry will automatically forward a copy of your e-mail to your wireless device, based on your rules. If you reply from your interactive wireless device, Symmetry handles the e-mail as if the reply was sent from your PC. The return e-mail address is that of your desktop PC, and a copy of your e-mail reply is saved in your desktop Outlook "sent items" folder." (Tab A)

"Server Component – Symmetry requires a continuous LAN connection to a Microsoft Exchange server, and the Inbox, Calendar, and Task folders must be stored on the Exchange server (not in a Personal Folder)." (Tab A)

This description, as well as the more detailed description of the operation of the SYMMETRY program set forth in the User's Manual and Demonstration pages at Tab A show that the SYMMETRY product infringes at least claims 24, 25-28, 31, 32 of the present application, and also infringes many of the other pending claims.

      (ii)   <u>NOTIFYLINK</u> - The NOTIFYLINK product is described as follows in the documents attached at Tab B:

"Notifylink is a family of software products that will provide users with wireless access to their email, calendar, contacts, tasks, and files while using a variety of wireless devices."

" Designed to work with both corporate and personal Email systems, Notifylink Desktop enables you to compose, read, reply to, and forward Email messages using your wireless device. Notifylink Desktop allows you to react quickly without the need for a bulky laptop computer to access your Email."

"Messages are sent from your PC with the FROM address as the desktop Email address. This eliminates the confusion of separate PC and mobile Email addresses. Using a single Email address, you can receive Email messages both in your desktop mailbox and on your wireless device."

"An advantage NotifyLink Desktop has over other wireless Email applications is that it provides you with the option to keep a copy of the messages sent to and from your wireless device (the copy is saved on your PC). Handling attachments is also a snap. NotifyLink Desktop will advise you of the name of any attached files when you receive in an Email message."

"No need for both office and remote email addresses."

"With NotifyLink Desktop, you can send and receive email messages using your office email address whether you are using email in the office or from your wireless two-way messaging device."

"With NotifyLink Desktop, all email messages that are sent from your wireless device will use your normal business or personal email address."

"The operation of NotifyLink Standard is illustrated in Figure 1...Email

arrives at the Email Server (1). The Notifylink Standard application receives notification of the email (2). Notifylink Standard processes the message and sends it to the ReFLEX network via the Internet (3). The network sends the message to your wireless device (4)."

"Notifylink Enterprise Edition offers the corporate user with a virtual real-time wireless connection to their corporate desktop based critical data: email, calendar, contacts, tasks, files."

"Notifylink will support all POP3 and IMAP web-based email applications as well as AOL. Your email server must be unencrypted and not reside behind a firewall."

"Designed to work with your corporate and personal Email systems..."

"If your company's Exchange Server goes down, you must follow the same steps that you would for your email software."

Figure 1 of the Desktop Edition shows the Email Server (1) connecting through a corporate firewall to the Internet and then using SMTP to the wireless network in order to exchange email. MAPI is used between the email server and the desktop system.

"Section 6 – Microsoft Exchange Setup"

These descriptions, as well as the more detailed description of the operation of the NOTIFYLINK program set forth in the documents at Tab B show that the NOTIFYLINK product infringes at least claims 24, 25-28, 31, 32 of the present

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application, and also infringes many of the other pending claims.

        (iii)   <u>MYMAIL</u> - The MYMAIL product is described as follows in the documents attached at Tab C:

> "Wireless E-mail. Get it. Send it. When you're on the go. You control what e-mails come in and how you receive them. No dialing in for messages. They pop up quickly. You respond quickly. And with everything from 2-way texting to calendar to contacts, it keeps you totally organized. Want to use your existing e-mail address?"

> "DETAILED FEATURES: Single email address - Addressing from your PC email address not your Talkabout T900 wireless device; Message Filtering - You designate which messages are forwarded to your pager based on the sender, subject heading, or body text; ON/OFF capability - Allows you to resume/suspend email forwarding using your Talkabout T900"

> "The Motorola MyMail suite of solutions provides uses with the following benefits: Remote e-mail actions are automatically reflected on the user's desktop PC. E-mails originated from the wireless device will insert the personal or enterprise address into the "from" field. Motorola MyMail Enterprise will automatically forward messages, whether or not the PC is turned on. Users can set filters so that they receive only those messages that they want. Real-time transmission to the wireless device."

These descriptions, as well as the more detailed description of the operation of the MYMAIL program set forth in the documents at Tab C show that the MYMAIL product infringes at least claim 24, 25-28, 31, 32 of the present application, and also infringes many of the other pending claims. The MYMAIL program is provided by Notify
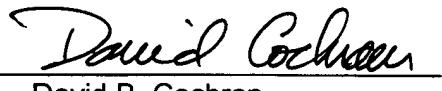
corporation and is the same program as described above as the Notifylink software.

Respectfully submitted,

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